

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

CCR FIRE PROTECTION, LLC

and

Case 15-CA-134356

ROAD SPRINKLER FITTERS UNION,
LOCAL 669, UNITED ASSOCIATION OF
JOURNEYMEN AND APPRENTICES OF
THE PLUMBING INDUSTRY OF THE
U.S. & CANADA, AFL-CIO

ORDER¹

The Employer's petition to revoke subpoena ad testificandum A-1-K1HTLN is denied. The subpoenas seek information relevant to the matter under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. See *Postal Workers Local 64 (USPS)*, 340 NLRB 912 (2003); *Offshore Mariners United*, 338 NLRB 745 (2002).² Further, the Employer has failed to establish any other legal basis for

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² The disposition of the Employer's petition to revoke is consistent with existing Board law as reflected in *Postal Workers* and *Offshore Mariners*, which enforce subpoenas identifying the case name and number.

Members Miscimarra and Johnson agree that the Region has described with sufficient particularity the evidence sought from the Employer's owner and president, based on the Region's uncontradicted assertion in its brief in opposition to the petition to revoke that it has repeatedly explained to the Employer's counsel which allegations will likely be the focus of the testimony it seeks and that it has also provided the Employer with an outline of the topics to be discussed. In the view of Members Miscimarra and Johnson, however, the subpoena itself should describe with reasonable particularity the general topic(s) or issue(s) that would be the subject of subpoenaed testimony or other evidence. See Sec. 11(1) of the Act; Sec. 102.31(b) of the Board's Rules. Members Miscimarra and Johnson believe the requirement of "particularity" requires more than merely giving the case name and number of the proceeding in which the subpoena has been issued. They also note that the Board has moved in the direction of providing substantially more detail in remedial notices, for example, to "facilitate a better

revoking the subpoena. See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., February 23, 2015.

PHILIP A. MISCIMARRA, MEMBER

KENT Y. HIROZAWA, MEMBER

HARRY I. JOHNSON, III, MEMBER

understanding,” including hyperlinks and QR codes providing direct electronic access to the Board’s decision(s). Cf. *Durham School Services LP*, 360 NLRB No. 85 (2014). Although subpoenas serve a different purpose, Members Miscimarra and Johnson believe subpoenas should provide fair notice to recipients regarding the topic(s) or issue(s) deemed relevant to the testimony or other evidence being sought.